IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

Bail Appl..No. 663 of 2007()

CRMP.114/2007 of DISTRICT COURT, PATHANAMTHITTA

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PETITIONERS/ACCUSED:

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1. SEBASTIAN AGED 32 YEARS,
   S/O.K.J. GEORGE, KALLADA MURUPPEL,
   PANNIVIZHA, ADOOR.

2. NOUSHAD, AGED 24 YEARS,
   S/O.ABDUL LATHEEF, CHARUVILA PUTHEN VEEDU,
   PANNIVIZHA, ADOOR.

BY ADV. SRI. K.SHAJ
SRI.SAJJU.S

RESPONDENTS: COMPLIANANT:

THE STATE OF KERALA,
REPRESENTED BY THE CIRCLE INSPECTOR OF
POLICE, ADOOR REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 663 of 2007

DATED: 7th February, 2007

O R D E R

Petitioners who are accused Nos. 1 and 2 in Crime No. 936 of 2006 of Adoor Police Station for offences punishable under Secs. 323, 324, 326 and 452 read with Sec. 34 I.P.C., seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 25-12-2006 at about 4.30 p.m. the accused persons approached the de facto complainant and made inquiries as to whether they are willing to sell his car. Soon, an altercation ensued resulting in the accused beating the de facto complainant and his wife with a stick causing injuries including fracture to the de facto complainant.

4. Anticipatory bail cannot be granted in a case of this

nature. However, I am inclined to permit the petitioners to surrender before the Investigating Officer and then have their regular bail application disposed of by the Magistrate concerned. Accordingly, the petitioners shall surrender before the Investigating Officer on any day between 08-02-2007 and 13-02-2007 for the purpose of custodial interrogation and recovery of incriminating materials, if any. After interrogation, the petitioners shall be produced before the Magistrate having jurisdiction, on the same day. The Magistrate shall release the petitioners on bail on appropriate conditions and the same will be subject to any application for further police custody to be filed by the investigating officer.

With the above observation, this application is disposed of.

V.RAMKUMAR, JUDGE

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